



Isaac Blackford

The Indiana Blackstone

by
W. W. Thornton of the Indiana Bar
Edited by Douglas Fivecoat

INDIANA SUPREME COURT LEGAL HISTORY SERIES

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Photo Courtesy of Indiana Supreme Court.

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Introduction

This book is part of a larger initiative by the Indiana Supreme Court to collect and distribute the court's own history. Our projects range from biographies of Indiana's judges, to scholarly symposia at Indiana law schools, to the recent restoration of the Supreme Court chambers to its original 1888 appearance. In all these efforts, we seek to encourage Hoosiers to understand and appreciate their own institutions.

It is altogether fitting that we begin our series on Supreme Court justices with Isaac Blackford. He was, of course, a leading figure in shaping Indiana's early judiciary, but he was also an important influence during the state's formative years while serving as a Territorial judge and as the first Speaker of the House. By editing and publishing his *Blackford Reports* of Indiana's earliest Supreme Court decisions, Judge Blackford, already firmly established within Indiana's legal circles, became well known to judges and lawyers beyond our borders. Courts in many other states, and indeed the United States Supreme Court, cited his cases and referenced his reports.

Reading about Blackford's life and accomplishments can teach twenty-first century Hoosiers much about Indiana's rich past, her courts, and her leading figures. I take great pleasure in introducing you to Judge Isaac Blackford, through the eyes and words of a man who knew his life well – Judge William Wheeler Thornton.

Randall T. Shepard

Randall T. Shepard
Chief Justice of Indiana

Editor's Note

W. Thornton wrote *Isaac Blackford: The Indiana Blackstone* in 1930 at the age of 79. Thornton was a prolific writer and a well-established legal presence in both Indianapolis and across the state; during his lifetime he practiced law at Logansport, Crawfordsville and Indianapolis, presided as a Marion County Superior Court judge, and was the librarian of the Indiana Supreme Court. Thornton died in 1932 just over a year after completing this biography of Blackford and the manuscript was never published. The manuscript was given to the Indiana State Library and found its way into their Manuscripts Division where it has remained, largely unread, to this day.

Isaac Blackford was a prominent and well-respected jurist and public figure in his day, however modern lawyers and historians often overlook him. Indiana Supreme Court Chief Justice Randall T. Shepard wanted to change that and, to that end, entrusted to me the project of transforming Thornton's typewritten manuscript into a modern format for publication. I have retained much of Thornton's original style although this often appears awkward to the modern reader. The words, spellings, and grammar presented here remain largely Thornton's. I have performed only minimal editing and formatting in order to maximize readability. The citations, footnotes, and parenthetical notes in the text are Thornton's actual references as well, although moved from their original in-text style to more traditional footnotes. Also, a few citations, specifically the genealogy references, were converted into appendixes because their extreme length hampered the flow of the text.

This work is meant as a tribute to both Judge Isaac Blackford and to Judge William Thornton. It is the Court's hope that through this publication, Judge Thornton's efforts to revitalize the memory of Judge Blackford and his legacy of life and work in the 1930s can be realized today, and that Isaac Blackford will once again be recognized and celebrated for his many contributions to Indiana's legal history.

Douglas Fivecoat
Editor



W. Thornton

Author Biography

William Wheeler Thornton was born to John A. and Ellen B. Thornton on June 27, 1851 at their home near Logansport, Indiana. Thornton was raised in Logansport and attended Cass County district schools and Seminary High School. He continued his education at Old Smithson College, a Universalist institution in Cass County. In 1874, Thornton began his study of the law working under the supervision of his Uncle Henry C. Thornton. In 1875, Thornton left Logansport to attend law school at the University of Michigan. Following graduation, Thornton returned to Logansport to enter private practice. In 1880, Thornton was appointed a Marion County Deputy Prosecutor under Daniel Baldwin and served in this capacity until 1883.

Thornton left Marion County in 1883 to resume private practice, this time at Crawfordsville in Montgomery County. In 1889, Thornton returned to Indianapolis when he was appointed Librarian of the Indiana Supreme Court.

He worked for the court until 1893 when he returned to private practice in the capital. While practicing in Indianapolis, Thornton served as a lecturer at the Benjamin Harrison Law School (now Indiana University School of Law-Indianapolis) and was appointed to the Marion County Superior Court bench in 1914. Judge Thornton served as the Dean of the Benjamin Harrison Law School until his death in 1932.

Thornton married twice. In 1882, he married Mary Freytag, the daughter of Judge Robert Groves of Logansport. Following Mary's death, Thornton married Miss Irene Blackledge of Indianapolis in 1911.

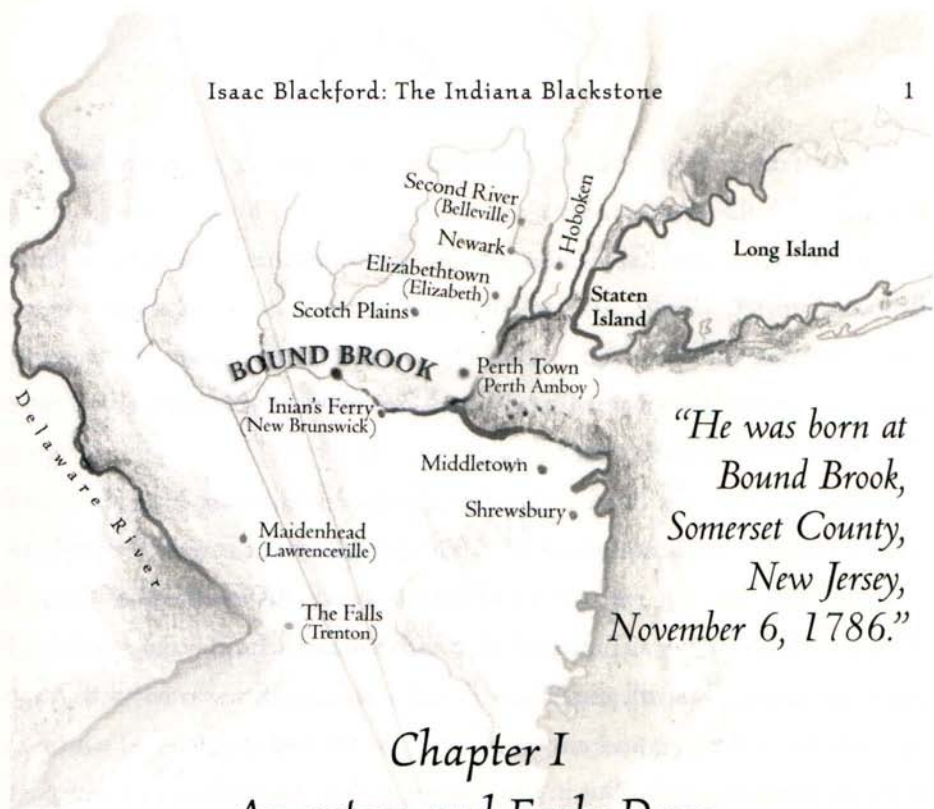
During his life, Thornton was a prolific writer on legal issues and, as is demonstrated by this manuscript, a student of Indiana's legal history. Some of his many published works include *The Universal Encyclopedia* (1883) [a fourteen hundred page legal encyclopedia for which Thornton wrote over half of the entries], *Statutory Construction* (1887), *Indiana Practice Code, Annotated* (1889) [co-author], *Lost Wills* (1890), *Indiana Municipal Law* (1891), *Railroad Fences and Private Crossings* (1893), *Indiana Practice Forms for Civil Proceedings* (1893), *Gifts and Advancements* (1893), *Decedent's Estates* (1895), *Indiana Township Guide* (1898), and *Indiana Instruction to Juries* (1914).

William Thornton was a life-long Republican and a long-time member of the Indiana State Bar Association. He participated in local community groups, including the Century Club, the Contemporary Gentlemen's Literacy Club, and the Nature Study Club. Judge Thornton was an active member of the Freemasons joining the society in 1894. He served as the orator of the Adoniram Grand Lodge of Perfection from 1901 through 1929 and orator emeritus until his death in 1932. Thornton attained the rank of thirty-third degree Scottish Rite Mason in 1922 and held memberships in the Mystic Shrine and the Royal Arch. Judge Thornton died on January 21, 1932, at the age of eighty, after a long illness.

Chronology of Isaac Blackford's Life

- 1786 (Nov. 6) Isaac Blackford is born at Bound Brook, New Jersey.
- 1802 Blackford attends Princeton College in New Jersey.
- 1806 Graduates from Princeton and reads law with General George McDonald of Middlebrook, N.J.
- 1807 Reads law with Judge Gabriel Ford of Morristown, N.J.
- 1810 Blackford is admitted to the New Jersey bar.
- 1811 Blackford leaves New Jersey and heads west.
- 1812 Blackford arrives in Dayton, Ohio but moves on to Brookville, Indiana. He gains admittance to the local bar but moves to Vevay, Indiana to serve as cashier to the Vevay Territorial Bank.
- 1813 Blackford resigns from the Vevay bank and moves to Salem, Indiana in Washington County where he is appointed the first Clerk and Reporter of the County. Later that year, Blackford is appointed the Clerk of the Territorial House of Representatives.
- 1815 (Sept. 14) Blackford receives his commission as the Judge of the First Judicial Circuit and moves to Vincennes, Indiana. He resigns within a few months due to the position's low salary.
- 1816 Blackford wins election as a Territorial Representative for Knox County and is chosen Speaker of the House.
- 1817 (Sept. 10) Governor Jennings appoints Blackford to the Indiana Supreme Court.
- 1820 Blackford marries Caroline McDonald, daughter of Gen. George McDonald (Blackford's first mentor).

- 1821 (May 30) Caroline Blackford dies while giving birth to their son, George.
- 1823 Blackford reappointed to the Indiana Supreme Court.
- 1825 Blackford receives the Democratic nomination for Governor but is defeated by James Brown Ray.
- 1826 Blackford runs for a U.S. Senate seat on the Democratic ticket but is defeated by former Governor William Hendricks.
- 1830 Blackford publishes the first *Blackford Report*.
- 1834 Publishes the second *Blackford Report*.
- 1835 (circa) Isaac and Caroline's son, George, dies of illness in Louisville, Kentucky.
- 1836 Publishes the third *Blackford Report*.
- 1840 Publishes the fourth *Blackford Report*.
- 1844 Publishes the fifth *Blackford Report*.
- 1845 Publishes the sixth *Blackford Report*.
- 1847 Publishes the seventh *Blackford Report*.
- 1850 Publishes the eighth *Blackford Report*.
- 1853 (Jan. 3) Blackford leaves the Indiana Supreme Court after failing to win election to the court following the constitutional changes of 1851 that required popular elections for Supreme Court judges.
- 1855 (Mar. 3) Blackford accepts a judicial appointment to the newly created U.S. Court of Claims in Washington D.C.
- 1859 (Dec. 31) Isaac Blackford dies in Washington D.C.



Chapter I

Ancestors and Early Days

Isaac Blackford, the Blackstone of Indiana, was of English descent, as his name indicates. He was born at Bound Brook, Somerset County, New Jersey, November 6, 1786. His father was a merchant of that place, who was born about 1757 and died May 22, 1800, when Isaac was only thirteen years of age. His name was Joseph Blackford. He was buried in the Presbyterian churchyard at Bound Brook, and on his tombstone is this singular verse:

Here lies the patron of his time;
 Blackford expired in his prime,
 Who three years short of forty-seven,
 Was found full time and fit for heaven,
 But for our loss weren't in my power,
 I'd weep an everlasting shower.

It is an interesting thought, "Did Isaac have anything to do with writing the inscription?"

Who Isaac's grandfather was is a disputed question. One authority says he was Anthony Blackford; but another authority, it would seem, after a careful reading of the deed and will records of that county and vicinity, gives the opinion that it was Daniel Blackford, who kept a tannery, but later was a merchant, and who died August 21, 1814.¹

Isaac's mother was Mary Staats Blackford. Her husband, Joseph's will of March 26, 1800, probated June 18, 1800 gave all of his property equally to his wife Mary (his sole executrix) and his son Isaac.² An inventory of January 7, 1801, shows personal property of \$7,220.99, mostly in store goods and accounts owing. This will then showed that Isaac's mother was to take charge of Isaac as to clothing and education until he reached twenty-one, with this peculiar clause attached: "But in case my son proves disobedient to his mother and leaves her before he becomes of age aforesaid, then my said loving wife is no longer bound to pay for his bringing up as aforesaid; but, in case she thinks proper to pay, it must come out of his legacy."

It is quite evident Joseph left enough property to enable Isaac to secure a good education. Seven years after his father's death, Isaac invested \$5,550 in a mortgage given him by one Thomas Coon on property in Bound Brook.³

Mary Staats Blackford resembled her son Isaac (or rather he resembled her) in personal appearance. She was of strong mind and full of the patriotism of 1776, and had great influence in molding his character. Her home was near one of the five battles in which Washington was the victor. Within her hearing were fought the battles of Trenton and Princeton; and she saw the British battalion fly to Kingston Bridge, and noted the ravages

¹ See Appendix One for Thornton's detailed discussion of Blackford's genealogy.

² Trenton Wills Book 39, 46.

³ This mortgage is unsatisfied of record. Was it never paid? His stepfather was the mortgagee.


of smallpox in the American Army. Amid the blasts of the winter of 1780-81 she carried food and clothing to the famished and ill clad patriotic soldiers who were camping near her door-yard. To such a mother a man usually traces his strongest excellences. Not later than 1801 she married Thomas Coon (the man to whom Isaac loaned his \$5,550 and received a mortgage, on record in Somerset County). Coon was born about 1782, and died April 20, 1857. They had one child, Charlotte Teressa, born August 3, 1802. She inherited all of Isaac's estate on his death.

Mary Staats was probably the eldest daughter of Peter Staats, and was born on July 19, 1767. She died August 18, 1827.⁴

When Isaac Blackford's mother died he was "so deeply affected by the event that for six months he excluded himself from attendance upon court. To show how strong were his feelings and love for his mother, an intimate friend says he ever carried with him a lock of her hair, which was labeled 'my dear mother's hair', a memento of the object of his attention, and which recalled the cherished recollection of his childhood."⁵

Isaac Blackford, when he was sixteen years of age, was sent to Princeton College, and was registered as "Isaac Newton Blackford," a name he did not use in later life. (Perhaps the name "Newton" was inserted by mistake of the college registrar). His admission at the age of sixteen is testimony to the fact that in that time the standards for admission to our colleges were not very high. What was his training before admission to the college we do not know, but we know generally that training in the ordinary common or popular schools of that day was not high.

The roster of the class he entered contains a membership of fifty-four.



*"Isaac Blackford,
when he was
sixteen years of age,
was sent to
Princeton College."*

⁴ See Appendix Two for Thornton's citation about Charlotte Teressa and the Condit Genealogy.

⁵ *Indianapolis Sentinel*, January 1860, editorial account of Blackford and his death.

"I meet with Blackford's Reports frequently and I am often asked as to the antecedents of its author, whose name is already quite familiar at Westminster."

Washington Irving

Secretary to the American Legation
to the Court of St. James, London

